

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

v.

ANGEL OCASIO

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Cause No. EP-11-CR-2728-KC

AFFIDAVIT OF DEREK A. DUBNER

Before me, the undersigned authority, personally appeared DEREK A. DUBNER, who, being by me duly sworn, deposed as follows:

“My name is DEREK A. DUBNER, I am over the age of 21 years, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated:

“1. I currently reside in Palm Beach County, Florida.

“2. I am an attorney licensed to practice law in the State of Florida. I am currently serving as general counsel to TLO, LLC (TLO).

“3. TLO is a privately-held company formed in 2009 and headquartered in Boca Raton, Florida.

“4. TLO owns and maintains an advanced software suite known internationally as the Child Protection System (CPS) which is designed to assist law enforcement in the detection of Internet-based child pornography and the prosecution of those responsible for its proliferation.

“5. The CPS tools have been exclusively developed by TLO over the last four years. TLO has spent in excess of two million (\$2,000,000) dollars developing and maintaining CPS and ensuring its security and confidentiality, including hardware and programming services.

“6. TLO vigorously protects the source and object code of the CPS as its value is

derived from not being generally known to, nor readily ascertainable by, any persons not employed by TLO. The source code is not distributed with the CPS software that is provided to trained law enforcement officers.

“7. Further, the CPS software tools are copyrighted computer applications for which the source code has never been distributed.

“8. Because it is an advanced application for tracking online predators used by law enforcement in over 43 countries and all 50 states of the United States, information relating to the function and uses is guarded with the highest level of caution. Providing access to anyone outside of law enforcement would compromise the value of the CPS as well as present and ongoing criminal investigations around the world.

“9. Based on TLO's success in the law enforcement sector, the CPS technology has attracted the attention of both government and private-sector entities that similarly require Internet-based file detection capability. These organizations seek technology solutions for problems ranging from intellectual property right protection to the securing of national security interests. As their efforts are largely cloaked in secrecy, providing CPS source code would adversely affect TLO's ability to pursue these commercial opportunities.

“10. Furthermore, competitors would exploit any form of source code disclosure to identify TLO's proprietary techniques for locating files on the Internet. This would diminish TLO as an industry leader and cause financial harm for which no adequate recompense would exist.

I declare under criminal penalty of perjury that the foregoing is true and correct.

FURTHER SAYETH AFFIANT NOT.

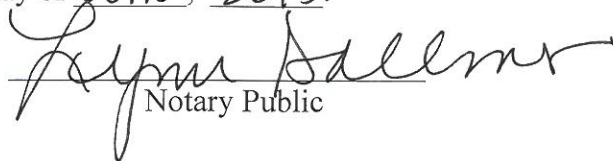
DATED this 4th day of June, 2013.



DEREK A. DUBNER

I, Lynn Dallmer, a Notary Public of the County and State aforesaid, hereby certify that Derek A. Dubner personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 4th day of June, 2013.


Notary Public

My Commission expires:

